

21 ~~37~~ 38. (New) The method according to Claim ~~32~~¹⁵, wherein the treatment of the racemic lactam is conducted at a temperature of 10 to 60°C.

22 ~~38~~ 39. (New) The method according to Claim ~~32~~¹⁵, wherein each of the optically active compounds of formulae I and II is isolated after formation.

R E M A R K S

This is in response to the Official Action mailed June 12, 2003 for the above-captioned patent application. Claims 1-16 are pending in the application. Claims 10 and 11 are withdrawn from consideration. Claims 1-9 and 12-16 are rejected under 35 U.S.C. § 102(a). Applicants have amended the rejected claims to specify that the nucleophile to be used is a C1-10 nucleophile. Support for amendment of the claims can be found p.3, lines 4-6 of the specification. No New matter is introduced by the amended claims. For reasons set forth in detail below, Applicants request that all rejections be withdrawn and that the pending claims be allowed.

1. Objections

The amendment filed March 11 2003, is objected to under 35 U.S.C. § 132. The Examiner alleges that the amendment introduces new matter into the disclosure of the invention. In particular, the Examiner maintains that there is no clear basis or support found in the present specification for the changes requested to the specification in the paragraph beginning at page 3, two lines from the bottom.